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CONCORD, N.H.

Mr. Lester K. Billings, Director  
Bureau of Hospital Services  
State Department of Health  
17 Capitol Street  
Concord, New Hampshire

Dear Mr. Billings:

In reply to your letter of November 16, 1955, wherein you raise four questions respecting the Hospital Licensing Law, I reply to them in the order presented.

1. If the term "supplementary" as applied to "facilities and services" is construed to mean something other than separate and distinct and the term, "patients" is indicative of persons actually receiving medical, nursing, or other remedial care, the proposed regulation would not be contrary to the Hospital Licensing Law. The regulation would, then, be nothing more than declaratory of the law, but I am wondering whether the use of these terms which must of necessity be construed as above might not lead to confusion.

2. It is my opinion that the term "other care" as used in RSA 151, must of necessity be interpreted consistent with the provisions and intentions of the chapter which would require that this "other care" be closely related to medical, nursing, or other remedial care furnished to persons suffering from illness, injury or deformity. It may be that within the medical and hospital profession it is usual to furnish care which may not fall within the above classification but is such an integral part of the services rendered by a hospital that the legislature desired to recognize this so as to require a license for the institution so furnishing. Purely boarding or housekeeping care appears to me as a type of service clearly outside the provisions of the Hospital Licensing Law. Whether any specific type of care furnished requires the licensing of the institution would depend upon the individual facts of and should be determined when and if the situation arises.

Mr. Lester K. Billings, Director

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3. The county institution which does have two or more persons suffering from "illness, injury or deformity" but who are not, in fact, receiving any medical, nursing, or other remedial care, would not be subject to licensing. The institution, while apparently boarding these persons, is not performing any services in the nature of a hospital and the reason for the license is not present. It may mean that the authority of the State Board of Fire Control and Department of Health to insure the safety of such persons is insufficient and an amendment to the present law to include more direct supervision by your Department is advisable.

4. In answer to your fourth question I reply in the affirmative.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

RCD/T